

## AMS/FAST CHANGE REQUEST (CR) COVERSHEET

**Change Request Number:** 18-04

**Date Received:** November 21, 2017

**Title:** Procurement Planning Guidance Changes

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**Policy and Guidance:** (check all that apply)

- ☐ Policy
- ☒ Procurement Guidance
- ☐ Real Estate Guidance
- ☐ Other Guidance
- ☐ Non-AMS Changes

**Summary of Change:** Correction to Procurement Planning Guidance related to security requirements to change reference to Form 1600-77 to OPM Position Designation Automated Tool and Board review process by the aeronautical center removed.

**Reason for Change:** Consistency with earlier changes to T3.14.1A.3 (Personnel Security Guidance) and clause 3.14-2 "Contractor Personnel Suitability Requirements" and To align the aeronautical center with the same practices and standards used by all FAA contracting offices.

**Development, Review, and Concurrence:** Contracts and Acquisition Policy

**Target Audience:** Contracting personnel and program offices

**Briefing Planned:** No.

**ASAG Responsibilities:** None.

**Section / Text Location:** T3.2.1A.2c(12) and T3.2.1A.10g

**The redline version must be a comparison with the current published FAST version.**

- ☒ I confirm I used the latest published version to create this change / redline

**or**

 This is new content

**Links:** <http://fast.faa.gov/docs/procurementGuidance/guidanceT3.2.1.pdf>

**Attachments:** Redline and final.

**Other Files:** N/A

**Redline(s):**

**Sections Revised:**

**3.2.1 A 2 – Content of PR Package**

**3.2.1 A 10 – PR Package Clearances, Justifications and Other Documentation**

**Section Removed:**

**3.2.1 A 4 – Acquisition Review by Aeronautical Center Acquisition Services**

**Procurement Guidance - (~~10/2017~~ 1/2018)**

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T3.2.1 - Procurement Planning Revised 4/2009

A Procurement Request (PR) Revised 7/2007

1 Purpose of a Procurement Request Package Revised 7/2007

2 Content of PR Package Revised ~~4/2013~~ 1/2018

3 Review by Chief Information Officer Revised 4/2017

~~4 Acquisition Review by Aeronautical Center Acquisition Services~~ Revised 1/2017

4 Reserved Revised 1/2018

5 PRISM-Generated Requisition Revised 7/2007

6 Funds Certification Revised 10/2012

7 Requisition Approval Levels Revised 10/2014

8 Describing Requirements Revised 7/2007

9 Independent Government Cost Estimate Revised 10/2016

10 PR Package Clearances, Justifications and Other Documentation Revised ~~4/2017~~ 1/2018

11 Simplified Purchases Revised 7/2007

12 Lease or Rental Space Revised 7/2007

13 Logistics Center Supply Support Revised 7/2007

14 Real Property Revised 4/2009

15 Public Utilities Revised 7/2007

16 Liquidated Damages Added 10/2014

17 Returning a Deficient PR Package Revised 10/2014

B Clauses

C Forms Revised 7/2007

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### **T3.2.1 - Procurement Planning** Revised 4/2009

#### **A Procurement Request (PR)** Revised 7/2007

##### **1 Purpose of a Procurement Request Package** Revised 7/2007

A procurement request (PR) package initiates acquisition of supplies, equipment, real property, utilities, material, systems, services, or construction. It is the basis for a Contracting Officer (CO) to plan, solicit, and award a contract, purchase order, delivery/task order, agreement, lease, modification, or other procurement action. The PR package is used to define the requestor's requirements so the CO can acquire supplies, real property, utilities, and services from or through other Government agencies, private and public organizations and institutions, and commercial vendors.

##### **2 Content of PR Package** Revised ~~4/2013~~ 1/2018

- a. The program official with the requirement to be satisfied through a procurement action prepares the PR package. The nature, value, and complexity of the requirement determine the exact content of the package. For example, information needed for a single source contract modification differs from that required for a systems development requirement to be competitively procured.
- b. As soon as a requirement becomes known, the program official should consult with the cognizant contracting organization, or CO if known, to determine the specific types of information needed for an acceptable PR package, and when the information must be provided. Much of the information in a PR package is the foundation for a contractual instrument, so it should be complete in all essential aspects. The Estimated Acquisition Lead-Time chart (see AMS Procurement Forms) may serve as a planning tool for both the contracting organization and program official to estimate lead-times for the various milestones applicable to a procurement.
- c. The following list represents information and documentation that may be required for a PR package. This list is not all-inclusive nor will each item below apply to every procurement action:
  - (1) Requisition committing funds
  - (2) Statement of work, specification, purchase description, drawings, or other appropriate technical description of the requirement
  - (3) Technical data items (such software design documents or test plans) to be delivered, Data Item Descriptions (defining data content, format, preparation instructions, and intended use), and Contract Data Requirements List
  - (4) Independent Government Cost Estimate
  - (5) List of potential vendors and addresses (including incumbent contractor, if applicable)

- (6) Delivery destination or place of performance and delivery date or period of performance (and optional quantities or periods)
- (7) Method and place of inspection and acceptance
- (8) List of Government furnished property or information
- (9) First article testing requirements
- (10) Federal standards that must be met, e.g., energy, environment, health, and safety
- (11) Physical, personnel, and information system security requirements
- (12) ~~Contractor Personnel Position Risk and Sensitivity Level Determination—FAA Form 1600.77 or~~ Designation Record OPM Position Designation Automated Tool (PDT)
- (13) Classified information or sensitive unclassified information handling requirements
- (14) Requirement for vendor's descriptive literature or product samples
- (15) Brand name or equal or brand name mandatory justification
- (16) Warranty requirements which are over and above generally accepted warranty included with the purchase of an item/service
- (17) Liquidated damages justification
- (18) Requirement for value engineering provisions
- (19) Privacy Act compliance determination
- (20) Section 508 Rehabilitation Act determination of non-availability or undue burden
- (21) Reprocurement data requirements, spare/repair parts lists, or other special rights
- (22) Information about use of existing patents or copyrights
- (23) Performance or payment bond requirements
- (24) Requirement for insurance coverage or special indemnification
- (25) Support services labor categories and description of minimum qualifications
- (26) Requirement for key personnel clause
- (27) Requirement for Government consent to subcontracting clause

(28) Personal services justification

(29) Single source justification

(30) (CFO) approval- Over \$10 million (Note: The contracting office may accept a PR that lacks the CFO approval for applicable procurements over \$10 million; however, the CFO approval must be received by the CO prior to the issuance of the Request for Offer (RFO))

(31) Chief Information Officer's approval for information technology over \$250,000

(32) Draft technical evaluation factors

(33) Draft technical proposal instructions

(34) Requirements for earned value management system, reports, and integrated baseline reviews

d. The program official submits the PR package to the appropriate contracting office, or assigned CO if known. Unless otherwise required by local procedures implemented by mutual agreement between the PR-initiating organization and contracting office, documents in the PR package are in electronic format and annotated with a PR number and project title. Materials accompanying a PR package that cannot be provided in electronic format, such as drawings, are delivered to the appropriate contracting office or assigned CO, and labeled with PR number, project title, and location.

### **3 Review by Chief Information Officer** Revised 4/2017

a. The Chief Information Officer (CIO) must review and approve proposed procurement actions for information technology and service resources that are estimated to exceed \$250,000 and would result in a new or modified:

(1) Contract;

(2) Order, such as those issued through a Federal Supply Schedule (FSS); or

(3) Agreement, to include interagency and intra-agency agreements.

b. *Information Resources.*

(1) Equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the FAA.

(2) Information resources include:

(a) Services (including support services):

(b) Computers;

(c) Ancillary equipment;

(d) Software; and

(e) Firmware and similar procedures.

(3) Information resources do not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

*c. Review Process.*

(1) Procurement actions initiated by the Office of Information & Technology (AIT) that commit only funding allocated to AIT are under the direction and oversight of the Deputy Assistant Administrator for AIT and CIO. Such procurement actions fully comply with the requirements and goals of the CIO Review Process. Therefore, this CIO Review Process has been satisfied for such AIT procurement actions, and additional documentation is not required.

(2) For those proposed procurement actions for information technology and service resources that originate from Lines of Business other than AIT, or use funding that is not included in the AIT budget allocation, that are estimated to exceed \$250,000, the program official must submit the following information to the Office of Information and Technology (AIT-3) for review:

(a) Statement of Work (SOW) or requirements documentation;

(b) Cost or price information, to include an independent Government cost estimate (IGCE) when required; and

(c) Documentation of market research conducted.

(3) The CIO review package may be sent to AIT-3 electronically through e-mail or in hardcopy form.

(4) Once approved by the CIO, the program official may then prepare the requisition.

(5) Prior to submission of the requisition to the contracting office, the program office must note the date of the CIO's approval in the body of the requisition.

*d. Goals of CIO Review.*

- (1) Ensure that goals of the FAA Flight Plan are addressed in procurements involving information resources.
  - (2) Prevent redundant procurements.
  - (3) Ensure that the resource is compatible with the FAA's current or planned Enterprise Architecture.
  - (4) Ensure that information technology resources support FAA Business Processes.
  - (5) Promote and ensure information systems security.
  - (6) Identify potential savings or efficiencies.
- ~~**4 Acquisition Review by Aeronautical Center Acquisition Services** Revised 1/2017-~~
- ~~**a. All procurements expected to have a total estimated value greater than \$5 million to be awarded by Aeronautical Center Acquisition Services Division must use the review process specified in Aeronautical Center Acquisition Review Standard Operating Procedure (SOP). The SOP is located at the AAQ-700/800 KSN site (FAA only). The review process should start at the beginning of the procurement planning process.**~~
- ~~**b. The Acquisition Review process does not replace any other approvals set forth in AMS.**~~
- ~~**c. The Acquisition Review process only applies to procurements conducted by AAQ-700/800 and is not applicable to other FAA divisions. All other FAA divisions must follow the applicable acquisition review processes specified elsewhere in AMS.**~~
- ~~**d. The Acquisition Review is required on all original actions of \$5 million or more that would result in one of the following:**~~
- ~~(1) New contract, including definitization of letter contracts;~~
  - ~~(2) New agreement (interagency, intra-agency, other transaction, or cooperative agreement);~~
  - ~~(3) Basic ordering agreement (BOA)/blanket purchase agreement (BPA) where the potential value equals or exceeds \$5 million as well as any individual orders on a BOA that equal or exceed \$5 million; and~~
- ~~**e. Other procurement actions or any other binding commitment, such as a lease. The following contract actions are excluded from the acquisition review process established herein:**~~
- ~~(1) Actions that create an undefinitized contract action, including undefinitized change orders and undefinitized long lead contract;~~



- ~~(2) Orders issued against existing contracts in accordance with the terms and conditions of the basic contract; except task orders for services issued against multiple award indefinite delivery/indefinite quantity contracts to include General Services Administration (GSA) schedules;~~
- ~~(3) Modifications increasing fund obligations under incrementally funded contracts when modifications do not exceed dollar amounts stated in the original acquisition approval and/or other approval (i.e., CFO); and~~
- ~~(4) Modifications solely for changes as a result of the Service Contract Act wage rates/fringe benefits or Fair Labor Standard Acts minimum wages.~~

~~**f. Review Process – The Acquisition Review Authority (ARA) is responsible for reviewing the Acquisition Strategy, Strategy Execution, and Contract Award on acquisitions conducted by AAQ-700/800 valued at \$5 million and greater, any project identified in a Business Plan, FAA Flight Plan, or any other project identified by the Director, Acquisition and Contracting (AAQ-1) and/or a requirements Program Director.**~~

- ~~(1) Acquisition Strategy Planning/Meeting and Review (ASR) is initiated at the identification of a validated need (program initiation) prior to commencing the strategy execution for Joint Resource Council/Chief Financial Officer approval, if required, and should be conducted no later than 14 months prior to program need date.~~
- ~~(2) Strategy Execution Review (SER) is required prior to submission to the CFO for requirements requiring a CFO package (\$10,000,000 or more) or issuance of the Screening Information Request (SIR) for requirements estimated between \$5,000,000 and \$10,000,000 and should be conducted within 60 days of completion of the ASR but no later than 12 months prior to program need date~~
- ~~(3) Contract Award Review (CAR) is required after completion of source selection on competitive acquisitions and after negotiations in noncompetitive acquisitions, just prior to award.~~

#### **4 RESERVED** Revised 1/2018

#### **5 PRISM-Generated Requisition** Revised 7/2007

a. A requisition provides basic information, such as appropriation data, item description, place of performance, and quantity/dollars needed to begin a procurement action. It is also the means of reserving funds for the procurement. Program officials must prepare requisitions in PRISM, the FAA's automated requisitioning and purchasing system. Contracting offices cannot accept manually prepared Form DOT F-4200.1, "Procurement Request," equivalent hard copy PR forms, or manually signed PRISM-generated forms.

b. *Electronic Routing.* Requisition review, funds certification, and approval are through electronic routing in PRISM and have the same force and effect as manual signatures.

c. *Requisition Control and Numbering.* The functionality of PRISM governs requisition numbering in accordance with AMS Procurement Guidance T3.13.1. Refer to PRISM business process solution “Award Types and PRISM Document Numbering Masks” for further information.

d. *Requisition Amendment/Modification.* If additional funds are needed, the program official should either issue an amendment to the requisition prior to an award being released or should create a requisition for modification after the award is released. Fund certification, review and approval are required for both an amendment or requisition for modification. When the amount obligated for the contractual action is less than the amount funded on the requisition, the program official must decommit excess funds. Because the original purpose of the requisition is considered complete, the requisition cannot later be amended to use the remaining funds either for the original purpose or for another purpose.

e. *Canceling a Requisition.* Program officials may cancel a requisition prior to award by creating an amendment to decommit funding.

f. *Funds Estimate.* The requisition must indicate the total estimated cost of the requirement. For basic requisitions for new contracts, this includes the estimated amount of the basic contract and all planned options and any other requirements that would not be included in or funded as part of the basic contract. For contract modifications, this amount will be the total estimated cost of the action involved. For requisition amendments and requisition for modifications, whether for new contracts or modifications, the estimated amount will be the net amount of any change to the estimate stated in the basic requisition, and in addition to the net amount, identify in the body of the requisition the cumulative total estimated cost.

g. *Required Quantity.* This is the FAA's need, present and projected, for which funding is or will be available. Quantity discounts and transportation costs must be considered when determining required quantity of supplies. Quantities should not include those for which there are no funded requirements, or for options for which FAA has little expectation of exercising. For indefinite delivery/indefinite quantity (ID/IQ) contracts, identify realistic minimum and maximum quantities. For indefinite delivery/requirements contracts, the total estimated dollar amount for the requisition should be based on the total estimated quantity. The dollar amount on the requisition should cover the minimum quantity.

h. For detailed instructions on preparing a requisition, program officials should refer to the PRISM Requisitioner Guide and Business Processes and Policy, available on the PRISM website (FAA only).

## **6 Funds Certification** Revised 10/2012

a. The requisition must include funds certification if it commits funds to be obligated later on a contractual instrument. Funds certification verifies funds are reserved and certified as available, or funds are to be deobligated on an award or decommitted on a requisition. Funds need not be certified on individual requisitions when "bulk funding" is used for Blanket Purchase Agreements (BPA).

b. The person certifying funds must be designated in writing in accordance with written procedures of the organization issuing the requisition, and must be instructed by that organization on his or her responsibilities, duties and authority limits.

c. An authorized requisitioner may also certify funds when local conditions, such as remoteness or a small facility, make it necessary, *provided*: written local procedures authorize this practice and establish reasonable maximum dollar levels for combined funds certification and approval or requisitioning authority, and include monitoring and oversight procedures to ensure propriety of all such actions.

d. Additional guidance and related business processes for funds certification can be found at the [PRISM website](#) (FAA only).

## **7 Requisition Approval Levels** Revised 10/2014

a. Only designated FAA employees can approve a requisition. Approval levels are tied to the total estimated amount of the requisition to be approved, as follows:

### *(1) Washington Headquarters*

(a) Over \$500,000--Office Head, Director, Product or Service Team Lead, or equivalent or higher position.

(b) Over \$250,000 to \$500,000--Division Manager or equivalent position. (c)

Up to \$250,000--Branch Manager or equivalent position.

For Washington Headquarters, an Office Head, Director, Product or Service Team Lead, or equivalent position, as applicable, may delegate via memorandum approval levels differing from the above.

(2) *Service Areas, Regions, and Centers.* Organizations approving requisitions within service areas, regions, and centers may establish written local requisition approval levels. Program officials should contact their local finance office for information about approval levels.

b. Key duties and responsibilities for requisitioners, fund certifiers, approving officials, and those obligating funds (i.e. COs or others with delegated procurement authority) must be separated among individuals. Due to local conditions, some duties may need to be provided by the same individual; however, the following conditions will always apply in the processing of a requisition:

(1) An individual must never perform all duties;

(2) A requisitioner may be the fund certifier for the same requisition;

(3) The approving official and the fund certifier for any requisition must be separate individuals;

(4) A requisitioner must not be the approving official and/or CO for the same requisition; and

(5) A CO must never be the approving official or requisitioner for the same requisition. c. Requisition approvers should refer to PRISM guidance and business processes found at the [PRISM website](#) (FAA only).

## **8 Describing Requirements** Revised 7/2007

a. *Technical Description.* An accurate technical description of the requirement is a critical element of a PR package and key to ensuring FAA's needs are satisfied. The program official prepares, to the extent possible, a comprehensive statement of work, specification, drawings or other description of the product or service to avoid any misinterpretation by prospective vendors about FAA's requirements. The technical description defines valid and minimum needs of the FAA, and is not written in a way that unduly restricts competition. See AMS Procurement Guidance T3.2.2.8, "Describing Needs" for additional information.

(1) *Supplies or Equipment.* For supplies or equipment, the description should cover as wide a range of commercially available and proven products as possible. It should avoid requirements for special manufacture, or requirements that may unnecessarily restrict competition. In this way, a broad competitive base will be possible, prices will be held to a minimum, and good relations with offerors will be promoted.

(2) *Services.* For services to be performed in accordance with a statement of work (SOW), the SOW addresses:

(a) What is the contractor to do?

(b) When is the contractor to perform the tasks?

(c) Who (qualifications and experience) should perform the tasks?

(d) Where are the tasks to be performed?

## **9 Independent Government Cost Estimate** Revised 10/2016

a. An independent Government cost estimate (IGCE) describes how much FAA could reasonably expect to pay for needed supplies or services. The IGCE is an internal Government estimate, supported by factual or reasoned data and documentation, and serves as: (1) the basis for reserving funds for the procurement action; (2) a method for comparing cost or price proposed by offerors; and

(3) an objective basis for determining price reasonableness when only one offer is received in response to a solicitation. The program official prepares the IGCE.

b. An IGCE includes a breakdown of major elements of cost, by category such as labor, material, equipment, subcontracts, travel, overhead, and profit.

c. An IGCE is required for any anticipated procurement action (to include modifications) whose total estimated value is \$150,000 or more, except for:

(1) Modifications exercising priced options or providing incremental funding;

(2) Delivery orders for priced services or supplies under an indefinite-delivery contract; or

(3) Acquisition of real property (i.e., land or space).

d. The CO may require an IGCE for those procurement actions (to include modifications) anticipated to be less than \$150,000.

e. The estimate and supporting documentation is for internal use only. It should be made available only on a need to know basis and must not be provided to any potential offeror. An IGCE must not be based on information furnished by any potential vendor that may be competing for the requirement or considered for award. See AMS Procurement Guidance T.3.2.3 "Cost and Price Methodology" and "FAA Pricing Handbook" for detailed information about preparing an IGCE.

## **10 PR Package Clearances, Justifications and Other Documentation** Revised 4/2017 1/2018

The program official furnishes evidence of certain required clearances, approvals, and justifications with the PR package. This information varies, depending on the nature of requirement, procurement strategy, and dollar value. The program official should consult with the CO to determine applicability of each of the below clearances, documentation, and approvals to the particular requirement. Documentation or other evidence for the below forms part of the PR package (the below is not all inclusive nor will it apply to each procurement action):

a. *Chief Financial Officer Approval.* For a single or cumulative expenditure over \$10M, the CO must receive evidence of the Chief Financial Officer's (CFO) approval of the procurement prior to issuing a Request for Offer (RFO). (See AMS Procurement Guidance T3.2.4 "Chief Financial Officer Requirements" for additional information.)

b. *Accountable Personal Property.* FAA's financial standards and annual audit require accurate recording of personal property acquisitions. Before creating a requisition in PRISM, the program official must establish appropriate projects and tasks in the DELPHI Project Accounting (PA) module. Each line item on a requisition must have at least one (but can have more than one) project and task associated with it. The CO will use the line item structure contained in the requisition when setting up the Contract Line Item Number (CLIN) structure.

c. *Government Furnished Property, Information, or Material.* The PR package identifies Government property, information, or material. FAA property is managed, transferred, and added to FAA records through the Automated Inventory Tracking System (AITS). Any special restrictions or conditions, such as property provided "as is" security issues, or special handling should also be specified in the PR package.

d. *Personal Property from Commercial Sources.* Before initiating a requisition to obtain personal property, program officials must determine if the property is available for reuse from an FAA or other Government source, as required by FAA Order 4800.2C (May 31, 1996) and "[FAA Reutilization and Disposition Process & Procedure Guide](#)" (FAA only), dated October 2006.

e. *Project Materiel.* Materiel for projects is requisitioned through the Logistics and Inventory System (LIS) Project Materiel Management System (PMMS).

f. *Section 508 of the Rehabilitation Act.* Acquisition of electronic and information technology (EIT) must comply with Section 508 requirements for accessibility. The program official must document EIT non-availability, including market research performed and standards that cannot be met. For further information, see AMS Procurement Guidance T3.2.2 "Source Selection," or the FAA [Section 508 website](#) (FAA only).

g. *Personnel Security.* For individuals that may need access to FAA facilities, sensitive unclassified information, or resources, the contract security clause contains sufficient language to meet that objective. For specific guidance and regulations, see the applicable personnel security orders (FAA Order 1600.1E Personnel Security Program and FAA Order 1600.72A Contractor and Industrial Security Program). ~~FAA Form 1600-77, "Contractor~~[The Office of Personnel Management's Position Risk/Sensitivity Level Designation Record](#)~~"Automated Tool~~ is used by the Operating Office to make initial position risk/sensitivity level designations based on the initial list of positions and the statement of work.

h. *Sensitive Unclassified Information.* The program official must coordinate with the local FAA Servicing Security Element (SSE) for the minimum standards to mark, store, control, transmit, and destroy Sensitive Unclassified Information, For Official Use Only, Sensitive Security Information, or unclassified information that may be withheld from public release. (See FAA Order 1600.75 or AMS Procurement Guidance T3.14.1 "Security" for additional information.)

i. *Classified Information.* The PR package should identify any requirements for handling of classified materials or for access of contractor personnel to classified information. (See FAA Order 1600.2E Safeguarding Classified National Security Information for additional information).

j. *Information Systems Security.* The FAA must ensure that all information systems are protected from threats to integrity, availability, and confidentiality. (See FAA Order 1370.82A for additional information.)



k. *Paperwork Reduction Act*. The FAA must obtain approval to collect information through questionnaires, focus groups, telephone surveys, applications, performance reports, customer satisfaction surveys, studies and evaluations, interviews, forms, and other means of requesting information from 10 or more respondents. The program official must first coordinate requirements through the FAA Information Clearance Officer (AIT-20), and then obtain clearance from Office of Management and Budget (OMB).

l. *Privacy Act*. When a requirement involves the design, development, and/or operation of a system of records on individuals for an FAA function, the statement of work must identify FAA rules and regulations implementing the Privacy Act. (See FAA Order 1280.1A-~~2~~; Protecting Privacy of Information About Individuals.)

m. *Printing or Duplicating or Purchase or Lease of Copying Equipment*. For printing or duplicating services to be performed either by Government Printing Office (GPO) or outside printing businesses, program officials must coordinate with the cognizant FAA printing management office. Purchase or lease of duplicators or electronic copiers over \$100,000 must be approved: for Headquarters acquisitions, coordinate with the Corporate Information Division (ABA-10); Region, Center and Service Area acquisitions, coordinate with the servicing printing management organization.

n. *NAS Specifications*. Specifications for acquisitions under the Capital Improvement Program (CIP) are baselined and under configuration control. A requisition for NAS program specification change must include evidence of approval by the NAS Configuration Control Board.

o. *Options*. If optional quantities or services are to be included, the PR package should state the basis for evaluating offeror proposals. The PR package should indicate whether it is expected that offers will be evaluated for award purposes only on the basis of the price for the basic requirement exclusive of options, or price inclusive of options.

p. *Warranty*. Warranties should be cost beneficial. For other than standard commercial warranty generally accepted as included with basic purchase price, the PR package should include an analysis of the costs of a warranty and its administration, versus the benefits of liability deferral.

q. *Liquidated Damages*. Before liquidated damages provisions may be included in a contract, the program official must adequately justify and document the basis for amounts to be assessed.

r. *Brand Name Products*. When a brand name or equal description is used, the PR package must state the brand name product and salient physical, functional, performance, and interoperability or interface characteristics of the brand name product so that vendors may offer alternative but equal products. Brand name-mandatory descriptions identify a specific make, model, or catalog number, and manufacturer of a product. This type of description differs from brand name or equal because vendors may not provide an equal item. For brand name-mandatory, a single source justification is required with the PR package. (See AMS Procurement Guidance T3.2.2.8 "Describing Needs" for more information.)

s. *Recovered Materials*. Program officials are responsible for defining product specifications, utilizing FAA's minimum content standards or preference standards, when procuring EPA- designated items. The program official should provide a written determination certifying that the statement of work/specifications for materials/services specified complies with the FAA's preference standards for recovered materials. (See AMS Procurement Guidance T3.6.3 "Environment, Conservation and Energy" for additional information.)

t. *Recycled Content*. Purchases of EPA-designated recycled content products must meet or exceed EPA guideline standards, unless price, performance, or availability justifies not doing so. The program official should document this determination. (See AMS Procurement Guidance T3.6.3 "Environment, Conservation and Energy" for additional information.)

u. *Capital Versus Non-Capital Lease Determination*. The FAA is required to capitalize certain improvements in both owned and leased space. In addition, the FAA (to include the Operating Office, RECO, and accounting) is required to make a determination as to whether leases (including real property leases) are capital or operating leases and insure they are recorded and filed accordingly. (See AMS Real Estate Guidance 3.1.5 "Capitalization" for additional information and applicable forms.)

v. *Personal Services*. Personal services contracts are permissible if appropriately justified and approved by senior management. The PR package must include evidence of this approval. (See AMS Procurement Guidance T3.8.2 "Service Contracting" for more information.)

w. *Single Source Justification*. When in FAA's best interests, a single source procurement may be appropriate. The program official should prepare a justification documenting the rational basis for using a single vendor. (See AMS Procurement Guidance T3.2.2.4 "Single Source" for additional information.)

x. *Technical Evaluation Factors/Plan*. Technical evaluation factors must be approved before issuing a solicitation. The program official must provide the factors and plan for evaluating technical proposals.

y. *Earned Value Management System (EVMS)*. An earned value management system (EVMS) is required for projects involving development, modernization, or enhancement estimated at \$10M or more. Program officials should consult with the FAA's EVM Focal Point (AAP-200) to determine appropriate EVMS certification, review, and reporting requirements. (See AMS "Earned Value Management Guide" for additional information.)

## **11 Simplified Purchases** Revised 7/2007

a. *Purchase Cards*. When a requisition is used as the funding document for purchase card purchases, it must contain certification of availability of funds. (See AMS Procurement Guidance T3.2.2.5 "Commercial and Simplified Purchase Method" for additional information.)



*b. Blanket Purchase Agreement (BPA).* A requisition may be issued for a basic BPA, but is not necessary for individual orders (termed "calls") against the BPA. One or more BPAs may be established in response to a requisition. The requisition identifies types of supplies or services to be purchased under the BPA, suggested sources of supply, estimated grand total and individual call dollar limitations, and person(s) to be authorized by the CO to make purchases. BPA calls serve as the obligating documents and a requisition will be required to issue the first call. If the BPA call is funded for a period of less than one year, a requisition for modification will be required to increase the funding.

## **12 Lease or Rental Space** Revised 7/2007

*a. Headquarters.* Requirements for short-term lease, or rental, of conference space, or the long-term lease of other space (e.g., office, storage or special purpose), in commercial establishments in the Washington, D. C. metropolitan area, and requests for any GSA acquired space must be coordinated through the Headquarters Facilities Management Staff (ALO-100). The results of this coordination must be indicated on the requisition or an attachment.

*b. Regions and Centers.* Requirements for short-term lease of conference space not acquired through a purchase card should be coordinated with the real property organization of the applicable Region or Center office. The results of that coordination must be indicated in the requisition or an attachment.

## **13 Logistics Center Supply Support** Revised 7/2007

Supply Support Program requirements are processed using the Logistics Inventory System (LIS) at the FAA Logistics Center. Requisitioning through LIS, coordination, review, certification, and approval signature are completed electronically.

## **14 Real Property** Revised 4/2009

*a. Real Property Responsibilities.* For the regions and centers, the Real Estate and Utilities Branch, or for Washington Headquarters, the Facilities Management Staff (ALO-100), are the primary contracting offices for the acquisition, management, and disposal of real estate, including utilities. In requests for acquisition (i.e. lease land or space), management, or disposal of real estate, or for acquisition of utilities services, the requiring office should initially contact and provide the requirements to the Real Estate Branch. For further information on submitting program office requirements to Real Estate, see AMS Policy 4.2. The requesting office will complete the requisition itself later, after cost information becomes available for its completion. Initially, cost information would not be available, and remain to be developed in consultation with the Real Estate Branch. A representative of the Real Estate Branch should be included at every stage in the real property acquisition, management, and disposal process, whether this is to make initial inquiry, to make contact with the property owner or his/her representative, to approve required audit reports, or for other steps in the process.

b. *General.* The requisition should include the name, address and telephone number of the property owner (or his/her representative), if known, and a record of any and all contacts with the owner/representative. Remember however, that contacts with owner/representative should be made only by the Real Estate Branch. As a minimum, requisitions for real property should contain the information described below, by type of requirement.

c. *Land Acquisition (Purchase or Lease).* For such acquisitions, the PR package should include information for the RECO to begin the acquisition process. Items for any new or renewal lease action include:

(1) The projected life of facility (total term requirement for real property).

(2) Intended use of property (e.g., VASI, REIL, VORTAC, ARSR, ASR), and amount and type of all required restrictive easements (e.g., 750, 1000, 1200 or 1500-foot radius; trees removed to XX feet).

(3) The legal description of the site and easements, expressed either in metes and bounds or as required by local land registries. If a legal description is not available, a legal description can be requested by a separate requisition transmitted to the Real Estate Branch.

(4) Drawings, to scale, of the property(ies) to be acquired, if available.

(5) *Clearances.* Environmental clearances, as follows:

(a) A statement that due diligence has been applied according to the requirements of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and FAA Order 1050.19B, Environmental Due Diligence Audits (EDDA) in the Conduct of FAA Real Property Transactions. Paragraph 1-10 of FAA Order 1050.19B describes the EDDA report review and approval process. The Real Estate Contracting Officer (RECO) receives the final, signed EDDA and places a copy of the report in the real property transaction file. A copy of the EDDA report should be included in the PR package, as well as a letter of acceptance of the report signed by the requiring office Program Manager/Division Manager. When an EDDA is not required, a memorandum must be included explaining the rationale for not conducting an EDDA. If the EDDA was not conducted as a result of an EDDA waiver request, also include a copy of the EDDA waiver request form.

(b) If it has been decided to acquire a site determined to have hazardous material contamination, the PR package should include a statement of justification signed by the requiring office Program Manager/Division Manager, together with a cost/benefit analysis.

(c) A statement certifying that an analysis of environmental impacts has been accomplished according to FAA Order 1050.1E and the National Environmental Policy Act. Environmental analysis may include a Categorical Exclusion (CATEX)

or Environmental Assessment (EA) - which would culminate in a Finding of No Significant Impact (FONSI) or Environmental Impact Statement (EIS). These statements must clearly identify any environmental impact mitigation required, and the need for additional lease clauses to cover such mitigation. The environmental analysis must also identify all environmental compliance permits for the project. Examples of permit activities are: wetlands permits from the Army Corps of Engineers, land use permits, special area, water use, and other local, federal and state permits as necessary.

d. *Space Acquisition*. For space acquisitions, the PR package should include the following information for the RECO to begin the space acquisition process:

- (1) The intended use of the space (e.g., AFS, FSDO).
- (2) A five-year projected staffing chart including the number of authorized positions, by job title, which will use the space. Any projected staffing increases must be validated.
- (3) Special Requirements. These include, but are not limited to:
  - (a) Authorized private offices;
  - (b) Wiring for data lines;
  - (c) 24-hour access/HVAC requirements;
  - (d) Temperature and humidity level limits;
  - (e) Local Area Network (LAN) rooms;
  - (f) Computer Based Instruction (CBI) rooms;
  - (g) Written examination room;
  - (h) Floor loads and types;
  - (i) Antennas attached to roof; and
  - (j) Special finishes.
- (4) Number of parking spaces required.
- (5) Recommended total lease term (base lease term plus renewal option(s)).
- (6) Delineated area and map depicting the area.

e. *Space Alterations/Improvements/Repairs (AIR)*. For this, the PR package should include:

(1) A full narrative description of work to be accomplished, supported by a clear sketch or drawing of proposed AIR; and

(2) Other related items, as stated in the paragraph just preceding.

f. *Construction*. For construction, the PR package should include:

(1) *For Real Property Interests - Land*. When the lease or purchase of land is involved, include a statement that such lease or purchase has been consummated. In rare circumstances, if there is written assurance the property owner will give that real property rights, and a written right of entry to begin construction has been provided, the PR may be processed if approved by the servicing Real Estate Branch.

(2) *For Real Property Interests - Space*. When a servicing contracting activity, that is, the contracting office, is requested to obtain construction, modification, alteration, and/or repair to leased space or buildings, care should be taken to ensure that the Real Estate Branch is involved in such leased space actions. The PR package must:

(a) Contain a statement from the servicing real estate organization that approval from the property owner has been secured and the lease amended to cover FAA's requirements; and

(b) Comply with all applicable requirements set forth in c.(2) and (3) above.

(3) *Environmental Considerations*. These include a statement certifying that all current requirements for Environmental Assessment and Due Diligence Audits have been met. (See the above paragraph c.(5) on environmental clearances.)

(4) *Utility Requirements*. When new or changed utilities, location or service is involved, state the status of obtaining utility service and the estimated date of its availability to the project.

(5) *Vehicle or Pedestrian Safety*. When the contract work will or may affect the traffic or safety of vehicles or pedestrians on the right-of-way of a public highway, road, or street owned by a governmental body other than the Federal Government, a statement that this is the case, and an identification of the governmental body which owns the highway, road, or street. For further information, see AMS Real Estate Guidance.

## **15 Public Utilities** Revised 7/2007

a. *Minimum Content*. The PR package should contain information sufficient to enable the CO to determine the required type(s) of service, quantity, delivery point(s), time of initial service, service duration, and the principal characteristics of services. As a minimum, the PR package should contain the following:

- (1) Technical description or specification of the type, quantity, and quality of service required;
- (2) Date by which the service is required;
- (3) Estimated maximum demand, monthly consumption, and annual cost for the first full 12 months of service;
- (4) Schematic diagram or line drawing showing meter locations and Government connection point to utility supplier's system;
- (5) Estimated cost, including: required utility services, any connection charges; and contractor installed facilities for replacement utility services; and
- (6) Principal characteristics of service specifications. As a minimum, descriptions of the premises, or location to be served, in sufficient detail to clearly establish its identity by agency, function and address, as well as the service delivery point, and an attached map or drawing showing its exact location.

b. **Electrical Service Specifications.** The PR package should contain:

- (1) Monthly kilowatt hour (kWh) demand for a typical year;
- (2) Monthly kilowatt-hour (kWh) consumption for a typical year;
- (3) Type of current (AC or DC);
- (4) Number of phases;
- (5) Anticipated load factor;
- (6) Substation primary and secondary voltages, and allowable variations or tolerances; and
- (7) Type of metering: (1) demand and/or watt hours, (2) kilovolt-amperes (kva) or kilowatts (kW).

c. *Water Service Specifications.* The PR package should contain:

- (1) The required pressure and type(s) of water required (e.g., potable water, industrial water, classified as to extent of required filtration or chemical treatment; or raw water [river, lake, well, etc.]); and
- (2) Exact location of connection with utility firm's distribution system.

d. *Gas Service Specifications.* These specifications should state the supplier's tariff. They should describe the desired British Thermal Unit (BTU) content, the purity, and the initial and terminal pressure limitations. They should also include:

- (1) The estimated maximum demand per hour or per day;
- (2) The estimated monthly usage of gas, by months, for a typical year; and
- (3) The exact location of connection with utility firm's distribution system.

e. *Sewer Service Specifications.* These should specify the types of service required (e.g. sanitary with primary or secondary treatment, or raw waste disposal; industrial waste disposal; or storm water drainage). They should also include:

- (1) The size(s) and location(s) of connections between Government and contractor systems; and
- (2) The exact location of connection with the utility firm's distribution system.

## **16 Liquidated Damages** Added 10/2014

- a. Liquidated damages clauses should be used only when (1) the time of completion, performance, or delivery is such an important factor in the award of the contract that the FAA may reasonably expect to suffer damage if the completion, performance, or delivery is delinquent; and (2) the extent or amount of actual damage sustained by the FAA would be difficult or impossible to calculate or prove. In deciding whether to include a liquidated damages clause in the SIR/contract, the procurement team should consider the probable effect of that clause on other issues such as contract price, competition, and the cost or difficulties of contract administration. The rates of liquidated damages must be reasonable and based on probable actual damages to the FAA. Liquidated damages assessed without consideration of actual costs are penalties, and are thus unenforceable.
- b. When administering contracts that include a liquidated damages clause, the CO must take all reasonable steps to notify contractors of the pending assessment when the concern about late completion, performance, or delivery first develops. If a basis for termination for default exists, the CO must advise the contractor that it may be liable for liquidated damages assessed until the date of termination, in addition to reprocurement costs. If completion, performance, or delivery is desired after termination for default, efforts must be made to obtain completion, performance, or delivery elsewhere within a reasonable time.
- c. *Construction.* Liquidated damages for construction contracts are assessed on a per project basis. The liquidated damages rate must be determined by the procurement team and documented by the program official, and must, at a minimum, cover the estimated cost of contract administration, including inspection, for each day of delay in completion. In addition, other specific losses

anticipated to be incurred as a direct result of the failure of the contractor to complete the work on time must be included. Examples of specific losses are:

- (1) Additional inspection costs;
- (2) The costs of substitute facilities;
- (3) The rental of buildings; and
- (4) The costs of FAA crews, or hourly paid contract employees, forced on standby.

When different completion dates are specified in the contract for separate parts or stages of the work (i.e., milestones), the CO may revise the liquidated damages clause to state the amount of liquidated damages for the late completion of each milestone. Separate calculation and documentation of the estimated damages must be developed for each amount specified with a differing basis.

- d. The program official must document the basis for the assessment rate for liquidated damages. This documentation must describe the assumptions, data, and formula used to derive the rate of assessment.

## **17 Returning a Deficient PR Package** Revised 10/2014

a. The CO may return a deficient PR package without action, or stop work on a pending PR package until the program official submits any needed supplemental information. Examples of reasons for returning or stopping work on a deficient PR package include:

- (1) Incomplete or conflicting information between the requisition, specifications, drawings, or other solicitation data;
- (2) Unstable requirements due to repeated technical changes to functional capability, reliability, maintainability, quality control, or testing requirements;
- (3) Failure to include the appropriate stock number or item code, facility type code, and other required data applicable to each accountable item listed; or
- (4) Missing or improper funding citation.

b. In Washington Headquarters, the CO should return a deficient PR package by memorandum, signed by a Contracts Division branch manager, to the approver of the requisition. The memorandum should include a brief explanation of deficiencies.

c. In Service Areas, Regions and Centers, COs should return PR packages in accordance with local procedures.

## **B Clauses**

[view contract clauses](#)

## **C Forms** Revised 7/2007

[view procurement forms](#)